

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Community Partnership Collaborative 2.0
and Shanasha Whitson,

Case No. 19-cv-3165 (ECT/DTS)

Plaintiffs,

v.

REPORT AND RECOMMENDATION

The Minnesota Department of Health,
*Infectious Disease Epidemiology
Prevention and Control Division
HIV/STD, TB Unit,*

Christine Jones; Jessica Barry;
Peggy Garrett-Brewer; and
Amy Yolanda Castillo,

Defendants.

This Court previously explained that plaintiff Community Partnership Collaborative 2.0 (“CPC”) could not proceed in this litigation without representation from a licensed attorney. See ECF No. 3. CPC was given 20 days from the date of this Court’s order of January 9, 2020, in which to procure counsel, failing which it would be recommended that CPC be dismissed from this litigation without prejudice. *Id.* at 2.

That deadline has since passed without an attorney entering a notice of appearance on behalf of CPC. Plaintiff Shanasha Whitson, however, has requested that CPC be permitted to proceed without the assistance of an attorney despite this Court’s prior order. See ECF No. 4. But it is well established that parties that are not natural persons simply may not act pro se in federal court. *See Rowland v. California Men’s Colony*, 506 U.S. 194, 201-02 (1993). CPC has not procured counsel despite having

been afforded an opportunity to do so; it should now be dismissed from this litigation without prejudice, in accordance with this Court's prior order.

Every cloud has a silver lining, and for Whitson the silver lining is this: Should CPC be dismissed from this litigation, she will (through CPC's absence) become eligible for *in forma pauperis* ("IFP") status. See ECF No. 3 at 1. This Court will continue to hold Whitson's pending IFP application in abeyance until such time that she might become eligible for IFP status, at which time her IFP application will be granted and this matter allowed to proceed.

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that plaintiff Community Partnership Collaborative 2.0 be DISMISSED WITHOUT PREJUDICE.

Dated: February 10, 2020

s/David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).